

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,)	
)	
Plaintiff,)	Civil Action No. 02-3830
)	
v.)	
)	
ADVANCED ENVIRONMENTAL)	
TECHNOLOGY CORPORATION, ET AL.,)	
)	
Defendants.)	
_____)	

MOTION FOR LEAVE TO FILE REPLY BRIEF

Pursuant to Local Rule 7.1(c), Defendant United States Department of the Navy ("United States") hereby moves for leave to file a memorandum in reply to the Memorandum of Law of Certain Defendants in Opposition to the Joint Motion by Plaintiff and the United States Navy for Approval of Settlement Agreement and Dismissal ("Defendants' Memorandum in Opposition to the Joint Motion"). The United States' reply memorandum is provisionally filed concurrently herewith.

In support of this motion, the United States states as follows:

1. On December 15, 2003, Boarhead Farm Agreement Group ("Plaintiff") filed a Motion for Standing Order Regarding Dismissal of Settling Defendants ("Plaintiff's Motion for Standing Order").
2. On January 21, 2004, Plaintiff and the United States filed a Settlement Agreement ("Agreement") and a proposed Order and jointly moved the Court to approve and enter the Agreement and proposed Order. As is stated in Plaintiff and the United States' Joint Motion for Approval of Settlement Agreement and Dismissal ("Joint Motion for Approval"), Plaintiff's Motion for Standing Order "is not intended to, and does not, apply with respect to this Agreement and Proposed Order." Joint Motion for Approval, n.1 at 1. Accordingly,

the United States did not respond to Plaintiff's Motion for Standing Order.

3. On January 30, 2004, eight defendants ("Defendants") filed a joint memorandum of law in opposition to Plaintiff's Motion for Standing Order.

4. On February 6, 2004, Defendants filed a Memorandum in Opposition to the Joint Motion. That memorandum both incorporates by reference arguments raised in Defendants' joint memorandum of law in opposition to Plaintiff's Motion for Standing Order and raises additional issues.

5. Because the United States has not had the opportunity to address various points raised by Defendants, the United States believes the tendered reply memorandum will materially aid the Court's consideration of the Joint Motion for Approval and Defendants' Memorandum in Opposition to that Joint Motion.

6. Counsel for Defendants has represented that Defendants have no objection to the United States filing a reply memorandum.

WHEREFORE, for the reasons set forth above, the United States asks that this motion be granted. A proposed Order is attached hereto.

Respectfully submitted,

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